

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

L.A. MURPHY, MARVIN STERNHELL and
HENOCH KAIMAN, on their own behalf and on
behalf of all others similarly situated,

Plaintiffs,

vs.

KOHLBERG KRAVIS ROBERTS & COMPANY;
CARLYLE GROUP; CLAYTON, DUBILIER &
RICE; SILVER LAKE PARTNERS; BLACKSTONE
GROUP; BAIN CAPITAL LLC; THOMAS H. LEE
PARTNERS; TEXAS PACIFIC GROUP; MADISON
DEARBORN PARTNERS; APOLLO
MANAGEMENT LP; PROVIDENCE EQUITY
PARTNERS; MERRILL LYNCH AND CO., INC.;
AND Warburg Pincus, LLC.,

Defendants.

ORIGINAL

Case No.: 06 CV 13210 (LLS)

**MOTION TO ADMIT
DAVID A. HIGBEE, ESQ.
PRO HAC VICE**

2007 FEB 20 PM 4:31

U.S. DISTRICT COURT

FILED

FEB 20 2007

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Murphy et al v. Kohlberg Kravis Roberts & Company et al

Doc. 24

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District
Courts for the Southern and Eastern Districts of New York, and upon the accompanying
Declaration of Wesley R. Powell and the certificates of good standing annexed thereto, I,
Wesley R. Powell, a member in good standing of the bar of this Court, hereby move for
an Order allowing the admission *pro hac vice* of:

David A. Higbee, Esq.
Hunton & Williams LLP
1900 K Street, N.W.
Washington, DC 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Mr. Higbee is a member in good standing of the Bar of the State of Maryland and the Bar
of the State of Utah.

606791

There are no pending disciplinary proceedings against Mr. Higbee in any State or Federal Court.

Date: New York, NY
February 20, 2007

Respectfully submitted,

HUNTON & WILLIAMS LLP



Wesley R. Powell (WP7857)

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New York, NY 10166

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*Attorneys for Defendant
Silver Lake Partners*

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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Defendants.

Case No.: 06 CV 13210 (LLS)

**DECLARATION OF
WESLEY R. POWELL IN
SUPPORT OF MOTION TO
ADMIT COUNSEL *PRO
HAC VICE***

WESLEY R. POWELL, hereby declares as follows:

1. I am a member of the bar of this Court and a partner of the law firm of Hunton & Williams LLP, counsel for Defendant Silver Lake Partners in the above-captioned action. I make this Declaration in support of the motion for an order admitting David A. Higbee *pro hac vice* to the bar of this Court pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

2. Mr. Higbee is an attorney and partner of the law firm of Hunton & Williams LLP in Washington, D.C. He is a member in good standing of the Bar of the State of Maryland, and the Bar of the State of Utah. Certificates of good standing for Mr.

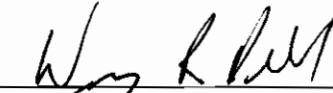
Higbee obtained from the Bar of the State of Maryland and the District of Columbia Court of Appeals are annexed hereto as Exhibit A and Exhibit B.

3. I agree to act as local counsel for Mr. Higbee and to observe the Rules of this Court governing the conduct of attorneys.

4. I respectfully request that Mr. Higbee be admitted *pro hac vice* to the bar of this Court for the purposes of appearing on behalf of defendant Silver Lake Partners in the above-captioned proceedings.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Date: February 20, 2007



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Telephone: (212) 309-1000
Facsimile: (212) 309-1100

*Attorneys for Defendant
Silver Lake Partners*

DECLARATION OF SERVICE

Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that:

I am Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Defendant Silver Lake Partners.

That on February 20, 2007, I served a true copy of the attached Motion for Admission Pro Hac Vice, via First Class Mail on all counsel at the address listed on the attached service list, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 20, 2007


Bradford C. Mulder

SERVICE LIST

L. A. Murphy v. Kohlebr Kravis Roberts & Company; 06 CV 13210 (LLS)

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Attorney for Defendant Apollo Management LP



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that


DAVID A. HIGBEE

was on the 13TH day of OCTOBER, 2006

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on January 30, 2007.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk

**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the twenty-fifth day of June, 1997,*

David Allen Higbee

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

***In Testimony Whereof, I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
twenty-sixth day of January, 2007.***

Alexander L. Cummings
Clerk of the Court of Appeals of Maryland